

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DUHRING RESOURCE COMPANY,)	
)	
Plaintiff,)	
)	
and)	
)	
PENNSYLVANIA OIL AND GAS)	
ASSOCIATION,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	Civil Action No. 07-314 Erie
)	
THE UNITED STATES FOREST)	
SERVICE,)	
)	
Defendant,)	
)	
and)	
)	
ALLEGHENY DEFENSE PROJECT,)	
)	
Defendant-Intervenor.)	

ORDER

Before the court is plaintiffs' motion to stay this lawsuit [Doc. No. 166] pending a final judgment in Minard Run Oil Co. v. U.S. Forest Service, No. 09-0125E (W.D. Pa.) (McLaughlin, J.) ("Minard Run II"), the resolution of which by Judge McLaughlin will resolve this case. In the interest of judicial economy, we will grant plaintiffs' motion for the reasons that follow.

The dispositive legal issue in Minard Run II is identical to the one presented in this case. Defendants have both rightly asserted that there are no new legal arguments they can make that


they did not make in Minard Run II before Judge McLaughlin regarding this issue. Plaintiff Duhring's claims pursuant to the Little Tucker Act, 28 U.S.C. § 1346(a)(2), rise and fall on this same legal issue. Finally, given that defendants have not asserted a counterclaim or otherwise set forth any affirmative relief in this case, defendants will not be prejudiced by any delay in this litigation.

Should the non-prevailing party in Minard Run II appeal Judge McLaughlin's final decision to the United States Court of Appeals for the Third Circuit, this administrative closing will extend pending a final disposition by the court of appeals.

Nothing contained in this order shall be considered a dismissal or disposition of this matter, and should further proceedings in it become necessary or desirable, either party may initiate it in the same manner as if this order had not been entered.

AND NOW, this 1st day of February, 2010, IT IS HEREBY ORDERED that the Clerk of Court is directed to mark this case ADMINISTRATIVELY CLOSED.

BY THE COURT:

 C.J.
Hon. Gary L. Lancaster,
Chief United States District Judge

cc: All Counsel of Record